

FIRST REGULAR SESSION

HOUSE BILL NO. 1207

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HAEFNER.

2327H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 57.278 and 57.280, RSMo, and to enact in lieu thereof two new sections relating to the deputy sheriff salary supplementation fund.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 57.278 and 57.280, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 57.278 and 57.280, to read as follows:

57.278. 1. There is hereby created in the state treasury the "Deputy Sheriff Salary Supplementation Fund", which shall consist of money collected from charges for service received by county sheriffs under **paragraph (b) of subdivision (1) of subsection 4 of section 57.280 and under subdivision (2) of subsection 4 of section 57.280**. The money in the fund shall be used solely to supplement the salaries, and employee benefits resulting from such salary increases, of county deputy sheriffs. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. The Missouri sheriff methamphetamine relief taskforce created under section 650.350 shall administer the fund.

2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

57.280. 1. Sheriffs shall receive a charge for service of any summons, writ or other order of court, in connection with any civil case, and making on the same either a return indicating service, a non est return or a nulla bona return, the sum of twenty dollars for each item to be

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

4 served, except that a sheriff shall receive a charge for service of any subpoena, and making a
5 return on the same, the sum of ten dollars; however, no such charge shall be collected in any
6 proceeding when court costs are to be paid by the state, county or municipality. In addition to
7 such charge, the sheriff shall be entitled to receive for each mile actually traveled in serving any
8 summons, writ, subpoena or other order of court the rate prescribed by the Internal Revenue
9 Service for all allowable expenses for motor vehicle use expressed as an amount per mile,
10 provided that such mileage shall not be charged for more than one subpoena or summons or
11 other writ served in the same cause on the same trip. All of such charges shall be received by
12 the sheriff who is requested to perform the service. Except as otherwise provided by law, all
13 charges made pursuant to this section shall be collected by the court clerk as court costs and are
14 payable prior to the time the service is rendered; provided that if the amount of such charge
15 cannot be readily determined, then the sheriff shall receive a deposit based upon the likely
16 amount of such charge, and the balance of such charge shall be payable immediately upon
17 ascertainment of the proper amount of said charge. A sheriff may refuse to perform any service
18 in any action or proceeding, other than when court costs are waived as provided by law, until the
19 charge provided by this section is paid. Failure to receive the charge shall not affect the validity
20 of the service.

21 2. The sheriff shall receive for receiving and paying moneys on execution or other
22 process, where lands or goods have been levied and advertised and sold, five percent on five
23 hundred dollars and four percent on all sums above five hundred dollars, and half of these sums,
24 when the money is paid to the sheriff without a levy, or where the lands or goods levied on shall
25 not be sold and the money is paid to the sheriff or person entitled thereto, his agent or attorney.
26 The party at whose application any writ, execution, subpoena or other process has issued from
27 the court shall pay the sheriff's costs for the removal, transportation, storage, safekeeping and
28 support of any property to be seized pursuant to legal process before such seizure. The sheriff
29 shall be allowed for each mile, going and returning from the courthouse of the county in which
30 he resides to the place where the court is held, the rate prescribed by the Internal Revenue
31 Service for all allowable expenses for motor vehicle use expressed as an amount per mile. The
32 provisions of this subsection shall not apply to garnishment proceeds.

33 3. The sheriff upon the receipt of the charge herein provided for shall pay into the
34 treasury of the county any and all charges received pursuant to the provisions of this section. The
35 funds collected pursuant to this section, not to exceed fifty thousand dollars in any calendar year,
36 shall be held in a fund established by the county treasurer, which may be expended at the
37 discretion of the sheriff for the furtherance of the sheriff's set duties. Any such funds in excess
38 of fifty thousand dollars in any calendar year shall be placed to the credit of the general revenue
39 fund of the county. Moneys in the fund shall be used only for the procurement of services and

40 equipment to support the operation of the sheriff's office. Moneys in the fund established
41 pursuant to this subsection shall not lapse to the county general revenue fund at the end of any
42 county budget or fiscal year.

43 4. Notwithstanding the provisions of subsection 3 of this section to the contrary, the
44 sheriff shall receive ten dollars for service of any summons, writ, subpoena, or other order of the
45 court included under subsection 1 of this section, in addition to the charge for such service that
46 each sheriff receives under subsection 1 of this section[-] , **to be distributed as follows:**

47 **(1) In charter counties, of every ten dollars received:**

48 **(a) Three dollars shall be paid into the county treasury to offset the per diem cost**
49 **of the incarceration of prisoners chargeable to but unpaid by the state under section**
50 **221.105; and**

51 **(b) Seven dollars shall be paid into the county treasury and the county treasurer**
52 **shall make such moneys payable to the state treasurer. The state treasurer shall deposit**
53 **such moneys in the deputy sheriff salary supplementation fund created under section**
54 **57.278; and**

55 **(2) In all other counties,** the money received by the sheriff under this subsection shall
56 be paid into the county treasury and the county treasurer shall make such money payable to the
57 state treasurer. The state treasurer shall deposit such moneys in the deputy sheriff salary
58 supplementation fund created under section 57.278.

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